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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Azerbaijan*, Pakistan and Turkey*: draft resolution

1997/... Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1996/21 of 11 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the Vienna Declaration and Programme of Action which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance continue to persist and even to grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Firmly convinced of the need to take effective and sustained measures at the international, regional and national levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting the conclusion of the Special Rapporteurs of the Sub-Commission, contained in their final report (E/CN.4/Sub.2/1992/9), that under international law, racism is not an opinion but an offence,

Noting also that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71) and its two addenda, as well as addenda 2, 3 and 4 to the Special Rapporteur's previous report (E/CN.4/1996/72),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the

international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including their addenda, and expresses its full support and appreciation for his work and for its continuation;

2. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

3. Expresses its profound concern at and unequivocal condemnation of all forms of racism, racial discrimination and all racist acts, in particular racist violence and related acts of random and indiscriminate violence;

4. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination against migrant workers and other vulnerable groups in many societies;

5. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

7. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes the conclusions and recommendations of the Special Rapporteur in this regard, as well as those on integration policies;

8. Encourages again the efforts of Governments to consider penalizing incitement to discriminatory acts based upon racial hatred and racial violence, including those effected through print, audiovisual or electronic media;

9. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of

creating awareness of the principles of human rights, particularly among young people, and to the training of law-enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

10. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

11. Requests the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

12. Calls upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

13. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

14. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

15. Invites all Governments, where possible, to take measures to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Regrets that the Special Rapporteur continues to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

17. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

18. Decides to continue the consideration of this question at its fifty-fourth session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority.